

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ACUITY, A MUTUAL INSURANCE COMPANY,)	
)	
)	Case No.: 4:24-cv-01277
Plaintiff,)	
)	
v.)	
)	
RIVERDALE PACKAGING CORP., et al.)	
)	
Defendants.)	

**CONSENT MOTION FOR LEAVE TO BE EXCUSED FROM
COURT-ORDERED MEDIATION**

COME NOW Defendants Riverdale Packaging Corporation (“Riverdale”) and Lora Property Investments, LLC (“Lora”) (together with Riverdale as “Defendants”), by and through undersigned counsel, and for its Consent Motion for Leave to be Excused from Court-Ordered Mediation, state as follows:

1. Plaintiff Acuity, a Mutual Insurance Company (“Plaintiff”) filed its Complaint in the United States District Court of Eastern District of Missouri on September 20, 2024 naming Riverdale, Lora, and Wombat Acquisitions, LLC (“Wombat”) as defendants.
2. On March 31, 2025, this Court entered an Order referring the parties to Mediation which is to be concluded before May 30, 2025.
3. Plaintiff and Wombat agree that the Defendants’ participation in this case is nominal, and their presence is not necessary at the Court-ordered Mediation.
4. Defendants’ absence from Mediation would not meaningfully affect the result of the Mediation and Defendants are not necessary in any way to achieve settlement.
5. Further, Defendants’ participation in the Mediation would result in cost

disproportionate to the Defendants' minimal role in the instant lawsuit.

6. This Motion is filed with the consent of all Parties.

7. Therefore, Defendants request this Court grant them leave to be excused from the Court-ordered Mediation.

WHEREFORE, Defendants Riverdale Packaging Corporation and Lora Property Investments, LLC hereby request, with the consent of all parties, this Court grant them leave to be excused from the Court-ordered Mediation.

Respectfully submitted:

CAPES, SOKOL, GOODMAN & SARACHAN, P.C.

By: /s/ Zachary R. McMichael
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***Attorneys for Defendants Riverdale Packaging
Corporation and Lora Property Investments, LLC***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on all parties of record by operation of the Court's electronic case filing and case management system on this 16th day of April, 2025.

/s/ Zachary R. McMichael